

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

THEODORE SCOTT :

Petitioner :
v : Civil Action No. JFM-06-2286

PATRICIA JESSAMY :

Respondent :
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MEMORANDUM

The above-captioned petition for writ of habeas corpus was filed on August 29, 2006. Paper No. 1. Petitioner seeks to again challenge his September 7, 2005, conviction for assault in the Circuit Court for Baltimore City. The instant petition marks the second occasion petitioner has filed for habeas corpus relief with respect to this conviction. *See Scott v. Jessamy*, Civil Action No. JFM-06-1407 (D. Md. 2006). In the prior case, the court on August 22, 2006 issued a decision dismissing the petition for failure to exhaust state remedies. *Id.* Following that decision, petitioner filed a notice of appeal which is now pending before the Fourth Circuit Court of Appeals. *See Scott v. Jessamy*, No. 06-7521 (4th Cir. 2006).

In light of the pending appeal, the instant unexhausted petition must be dismissed as this court is without jurisdiction to consider the allegations raised therein. By separate order which follows, the petition will be dismissed without prejudice.

September 14, 2006
Date

/s/
J. Frederick Motz
United States District Judge